

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-11, 13-16, 18-32, 34-37, 39-44, and 47-55 are pending in this application. Claims 12, 17, 33, 38, 45, 46, and 56 have been canceled without prejudice or disclaimer. Claims 1-4, 6-11, 13, 15, 16, 18, 21-25, 27-32, 34, 36, 37, 39, 42-44, 47, 50-52, 54, and 55 have been amended without the introduction of new matter. In this regard, base independent Claims 1 has been amended to include the subject matter of canceled Claim 12 (that finds exemplary support in the job list 206 shown in FIG. 17 as listing “processing units” and in the associated exemplary description appearing at page 54, line 14 to page 55, line 18) and that of canceled Claim 17 (that finds exemplary support in the job list area 206 showing of FIG. 18 that includes check button boxes 2061 that can be individually checked as a request not to display the associated unit processing status as described at page 57, line 3 to page 58, line 11, for example). Independent base Claim 22 has been amended to include the subject matter of canceled Claim 33 (that has the same exemplary support as canceled Claim 12) and that of canceled Claim 38 (that has the same exemplary support as canceled Claim 17). Independent Claim 43 has also been amended to include this subject matter from canceled Claims 12 and 33 and 17 and 38. Dependent Claims 2-4, 6-11, 13, 15, 16, 18, 21, 23-25, 27-32, 36, 37, 39, 42, 44, 47, 50-52, 54 and 55 have been amended to be consistent with the changes made to the independent claims and to correct other formal matters.

The outstanding Office Action presents an objection to the drawings, an express rejection of Claims 1-19 under 35 U.S.C. § 102(e) as being anticipated by Simpson et al. (U.S. Published Application No. 2002/0136559, hereinafter Pub ‘559 to be consistent with the outstanding Action), a rejection of Claims 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Pub ‘559 in view of Simpson et al. (U.S. Published Application No. 2003/033432, hereinafter Pub ‘432 to be consistent with the outstanding Action) and an

improper implied rejection¹ of Claims 22-56 “that can be rejected on the same basis as Claims 1-21.”

The objection to the drawings is traversed. FIG.1, for example, illustrates a “service providing apparatus” as printer 50, for example. Also, the components of SOAP server 30 (that are included in printer server 30a of FIG.1, for example) shown in FIG. 5 (and described at page 32, line 18 -24 and page 45, line16 to page 46, line 6, for example) operate as the “responding part” that causes “the service providing part” to execute the requested processing. This SOAP server will also operate as the questioned “processing state obtaining part” that “obtains respective processing states” as noted at page 46, line 20, to page 49, line 13, for example.

As the drawings clearly show the questioned “service providing part,” the questioned “responding part,” and the questioned “processing state obtaining part,” withdrawal of the objection is believed to be in order.

Before considering the prior art based rejections, it is believed that a brief summary of the subject matter contained in each of the independent claims would be helpful. In this regard, the overall subject matter of these independent claims requires an information processing apparatus and associated method and recorded computer program that each will cause a predetermined service providing apparatus that provides a predetermined service to execute processing concerning a service providing request made by a terminal via a network. Each form of the invention does this by causing the service providing apparatus to execute a plurality of processing units based on a single service providing request made by the terminal and each obtains respective processing states of the plurality of processing units concerning

¹ MPEP § 706.02(i) requires a statement that the rejection has a statutory basis under 35 U.S.C. § 102 as well as the subparagraph and reference being relied on. To the extent that the PTO seeks to imply a rejection of one, some, or all of Claims 22-56 under 35 U.S.C. § 102, these prerequisites have been violated. If the intent was to reject one, some, or all of Claims 22-56 under 35 U.S.C. § 103, MPEP § 706.02(j) requires a statement that the rejection is under 35 U.S.C. § 103 and items (A)-(D), none of which appears. Further note that 37 CFR § 1.104 (c)(2) requires the citation of any reference relied upon as well as a designation of the part or parts of the reference being relied on.

the service providing request from the predetermined service providing apparatus. This common subject matter also provides for generating a Web page to display the processing states of the plurality of processing units that have been obtained in response to a Web page display request made by the terminal. This generated a Web page is transmitted to the terminal without waiting for respective completions of processing by the plurality of processing units. Also, the Web page is generated so that the state of at least one of the plurality of processing units can be omitted from the Web page display of the states of the plurality of processing units according to a request made by the terminal.

Turning to the outstanding rejection of Claims 1-19 under 35 U.S.C. § 102(e) as being anticipated by Pub '559, it is noted that with regard to the subject matter of now canceled Claims 12 and 17 that has been incorporated into base independent Claim 1 of this group of claims, the outstanding Action simply asserts that this subject matter is taught by paragraph 40 (as to Claim 12 subject matter) and FIG. 1 (as to Claim 17 subject matter) of Pub '559.

However, paragraph 40 of Pub '559 simply defines a "Web Site," and teaches nothing about this subject matter of Claim 12 now added to that of Claim 1 to require:

information providing apparatus comprising:

a responding part configured to cause the service providing apparatus to execute a plurality of processing units as the processing based on a single service providing request made by said terminal;

a processing state obtaining part which obtains respective processing states of the plurality of processing units concerning the service providing request from said predetermined service providing apparatus; and

a Web page generating part which, in response to a Web page display request made by said terminal, generates a Web page to display the processing states of the plurality of processing units by displaying the states of the plurality of processing units obtained via said processing state obtaining part, and transmits the thus-produced Web page to said terminal without waiting for respective completions of processing by the plurality of processing units.

Just as this subject matter of amended Claim 1 is not taught by paragraph 40 of Pub '559, the subject matter² from Claim 17 that was added to this subject matter from Claim 12 and that of original Claim 1 is not taught or suggested by the showing of FIG. 1 of Pub '559.

If the PTO is to continue to suggest that Pub '559 teaches this subject matter now in Claim 1, it is submitted that case law precedent requires the PTO to identify where in Pub '559 it appears. *See In re Rijckaert*, 9 F. 3d 1531, 1533, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) ("When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference.").

As Pub '599 does not teach all the limitations of Claim 1, the rejection of Claim 1 under 35 U.S.C. § 102(e) as being anticipated by Pub'559 is submitted to be clearly improper and the withdrawal thereof is respectfully requested. Moreover, as Claims 2-11, 13-16, 18, and 19 all depend from Claim 1 either directly or indirectly, the rejection of these dependent claims under 35 U.S.C. § 102(e) as being anticipated by Pub '559 is also submitted to be clearly improper and should also be withdrawn.

Furthermore, this dependent claim rejection (of Claims 2-11, 13-16, 18, and 19) is also traversed as these dependent claims each add further features that are clearly not taught or suggested by Pub'559.

The individual rejections of canceled Claims 12 and 17 have not been treated in light of this cancellation. However the subject matter thereof that has been incorporated into amended Claim1 was argued above.

Claims 20 and 21 both depend indirectly from Claim 1. As Pub '432 does not cure the above-noted deficiencies of Pub '559, the rejection of these claims under 35 U.S.C. § 103(a) as being unpatentable over Pub '559 in view of Pub '432 is traversed for the reasons

² Requiring that "said Web page generating part generates the Web page in which the state of at least one of the plurality of processing units can be omitted from the Web page display of the states of the plurality of processing units according to a request made by the terminal."

noted above. Moreover, as each of Claims 20 and 21 add further limitations not taught or suggested by either Pub '559 and/or Pub '432 considered alone or together in any proper combination, this rejection is traversed for this reason as well.

The improper implied rejection³ of Claims 22-56 relying on the unexplained theory that these claims "can be rejected on the same basis as Claims 1-21" is traversed because the statute being relied on and the reference(s) being relied on have not been stated. In this regard, Claims 1-19 stand rejected on different statutory grounds than Claims 20 and 21. MPEP § 706.02(IV) makes it clear that these different statutory rejections relate to different responses as follows:

The distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. Whereas, in a rejection based on 35 U.S.C. 103, the reference teachings must somehow be modified in order to meet the claims. The modification must be one which would have been obvious to one of ordinary skill in the art at the time the invention was made.

Also, Claims 1-19 stand rejected relying only on the teachings found in Pub '559 while the rejection of Claims 20 and 21 relies on both Pub '559 and Pub '432. the outstanding Action does not explain which reference or references are applied as to individual ones of Claims 22-56.

Accordingly, withdrawal of this improper implied rejection of Claims 22-56 is clearly in order.

Also, to the extent that either the rejection of Claims 1-19 or that of Claims 20 and 21 is being suggested to be directly relevant as to independent Claims 22 or 43, these independent claims include limitations similar to those argued above as to independent Claim 1. Accordingly, as Pub '559 does not teach all of these limitations and as Pub '432 does not cure the above-noted deficiencies of Pub '559, the rejection of these claims under 35 U.S.C. § 102(e) as anticipated by either of these references or under 35 U.S.C. § 103(a) as being unpatentable over either or both of these references is traversed for the reasons noted above.

³ See footnote 1.

Furthermore, as Claims 23-32, 34-37, and 39-42 all depend directly or indirectly on Claim 22, the rejection thereof on any of the above-noted grounds is traversed for the reasons noted above. Moreover, as each of Claims 23-32, 34-37, and 39-42 add further limitations not taught or suggested by either Pub '559 and/or Pub '432 considered alone or together in any proper combination, this implied rejection of these dependent claims is traversed for this reason as well.

Furthermore, as Claim 44 depends directly on Claim 43, the rejection thereof on any of the above-noted grounds is traversed for the reasons noted above. Moreover, as Claim 44 adds further limitations not taught or suggested by either Pub '559 and/or Pub '432 considered alone or together in any proper combination, this implied rejection of Claim 44 is traversed for this reason as well.

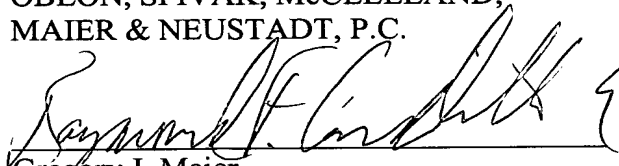
Furthermore, as Claims 47-55 all depend directly or indirectly on Claim 1, the rejection thereof on any of the above-noted grounds is traversed for the reasons noted above. Moreover, as each of Claims 47-55 add further limitations not taught or suggested by either Pub '559 and/or Pub '432 considered alone or together in any proper combination, this implied rejection of these dependent claims is traversed for this reason as well.

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As no further issues are believed to remain outstanding in the present application, it is believed that this application is clearly in condition for formal allowance and an early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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